

filed in court
04/16/05
[Signature]

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,) CRIM. NO. 04-30032MAP
)
 vs.)
)
 FRANK KEOUGH,)
)
 Defendant.)

INITIAL JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this initial joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order as follows:

1. The parties agree that relief should not be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3.
2. To date, the defendant has not requested discovery under FRCP 16(a)(1)(G).
3. At this time, the defendant has not reviewed any discovery, nor has the defendant sent a discovery letter to the Government.
4. The parties agree that a motion date should not be set under FRCP 12(c) at this time. Until discovery has been

reviewed, the defendant is not in a position to set any motion dates.

5. Excludable delay should be ordered under 18 U.S.C. § 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3). Defendant Keough was arraigned on January 21, 2005. Therefore, twenty-eights days of excludable delay occurred from and including January 22, 2005 through and including February 18, 2005. On March 11, 2005, the defendant filed a motion to continue the status conference to today's date.

Therefore, twenty days expired from the Speedy Trial Clock from and including February 19, 2005 through and including March 10, 2005, leaving fifty days on the Speedy Trial Clock. This means that this case must be tried by May 26, 2005.

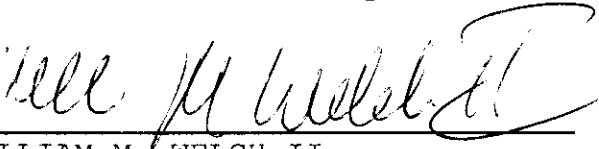
6. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of three weeks.

7. A second Interim Status Conference should be set for early May, 2005.

Filed this 6th day of April, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney



WILLIAM M. WELCH II
Assistant United States Attorney

For defendant Frank Keough:


JACK ST. CLAIR, ESQ.


CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
April 6, 2005

I, William M. Welch, Assistant U.S. Attorney, do hereby
certify that I have served a copy of the foregoing by hand
delivery upon:

Jack St. Clair, Esq.
73 Chestnut Street
Springfield, MA 01103



WILLIAM M. WELCH II
Assistant United States Attorney